



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

October 9, 2012

1210-VS-07

Exhibit 1

Petition Number: 1210-VS-07

Subject Site Address: 17317 Westfield Park Road

Petitioner: Indy Unlimited Motors

Request: The petitioner is requesting temporary relief from the Westfield-Washington Zoning Ordinance US 31 Overlay; (WC 16.04.070).

Current Zoning: Enclosed Industrial (EI)

Current Land Use: Industrial

Approximate Acreage: 3 acres

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Petitioner's Application

Staff Reviewer: Kevin M. Todd, AICP

Petition History

This petition will receive a public hearing at the October 9, 2012 Board of Zoning Appeals meeting.

Property Location and Project Description

The subject property is approximately three (3) acres in size and is located at 17317 Westfield Park Road, within the Westfield Business Park (the "Property") The Property is zoned Enclosed Industrial and falls within the U.S. Highway 31 Overlay Zone.

On May 10, 2011, the Board of Zoning Appeals (the "BZA") reviewed and approved the petitioner's Variance of Use request (1105-VU-02). The variance allows auto sales and service on the Property. Indy Unlimited Motors (the "Petitioner") is now ready to use the Property for auto sales and service. The Petitioner is an existing Westfield business that is being displaced by the U.S. 31 Major Moves project. The Petitioner has been given notice to vacate their existing property and plans to move the business to the Property before the end of the year.

The U.S. Highway 31 Overlay Zone requires that since the Property is being used as a different type of business than it was previously, the site needs to be brought into compliance with the terms of the U.S. 31 Overlay Zone. Due to the short time-frame that INDOT is asking the Petitioner to be moved from



their existing property, the Petitioner is requesting more time to comply with the requirements of the U.S. 31 Overlay Zone. The Petitioner has communicated to staff that all requirements can be met, but is requesting that they have until the end of 2013 to complete the modifications to the building and site. The site and building modifications include adding brick or stone to the building and adding various screening and landscaping to the site.

Procedural

A Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Ind. Code § 36-7-4-918.5 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that the submitted proposal would be injurious to the public health, safety, morals, and general welfare of the community. The request is for temporary relief of development standards. All improvements made to bring the site into compliance with the U.S. 31 Overlay Zone would be completed by the end of 2013. There are no safety concerns with approving the variance request.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The request is for temporary relief of development standards. All improvements made to bring the site into compliance with the U.S. 31 Overlay Zone would be completed by the end of 2013. Once all improvements are made, it is likely that the value of the Property and neighboring property would either remain neutral or increase.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

Finding: Strict adherence to the Zoning Ordinance would mean that all site and building improvements would have to be made before the petitioner could open the business for operation on the Property. Given the time constraints associated with the acquisition of the petitioner's existing property, requiring full compliance with the U.S. 31 Overlay Zone before opening the business on the Property would likely result in significant loss of business opportunity for the Petitioner.



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Recommendations

Approve 1210-VS-07 based on the findings of this report, with the following condition:

- That this variance be valid until and will expire on January 1, 2014.